

### **REMARKS**

This Amendment and Response amends claims 1 and 27 and cancels claims 28-30. Claims 1-24 and 27 are pending. No fees are believed due for these amendments.

This Amendment and Response is a full and timely response to the Office Action of January 8, 2008. A request for a two-month extension of time accompanies this Amendment and Response. Fees in the amount of \$460 are believed due for this extension of time and PTO Form 2038, Credit Card Payment Form is enclosed. The Commissioner is hereby authorized to charge any deficiency with respect to additional fees due, or credit any overpayment, to Deposit Account No. 11-0855.

#### **I. RELATED ISSUES CONSIDERED IN PARENT APPLICATION**

This application claims priority to Application Serial No. 10/269,213. The claims of the '213 application have been allowed.

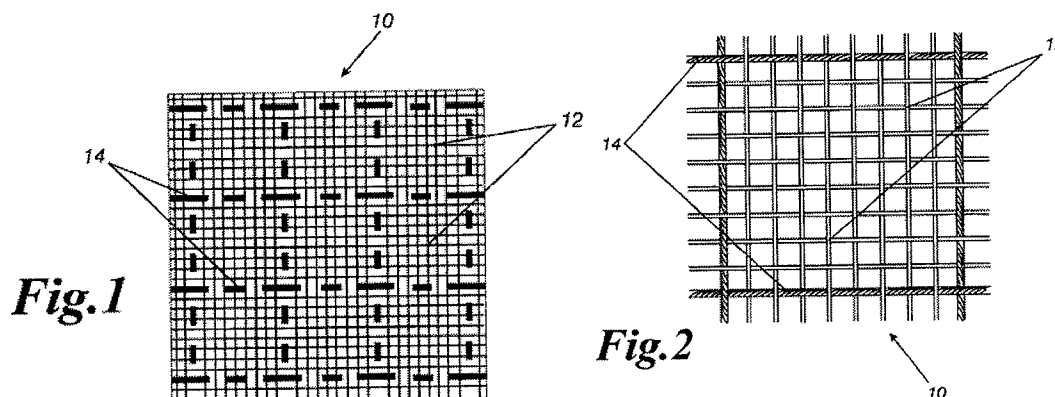
#### **II. TELEPHONE INTERVIEW**

Applicants appreciate the courtesy of the telephone interview conducted on May 29, 2008 between Examiner Ruddock, Mike Stanhope and Chris Corner (inventors), and Kris Doyle (attorney for applicants' assignee). The interview focused mainly on the *Thomas* reference and its teaching of conventional rip stop fabrics whereby larger, stronger yarns (the multi-filament yarns 14) are positioned intermittently in the fabric between smaller, weaker yarns (the spun yarns 12) to impart tear resistance to the fabric. The Examiner indicated that amending independent claims 1 and 27 to specify how "the relatively tough yarns do not protrude beyond an outer surface of the fabric body" would more clearly define the claim scope. More particularly, she recommended incorporating the subject matter of claim 28 (relating to the relative diameters of the relatively tough yarns and the body yarns) into the independent claims. The undersigned agreed to make such amendments and does so presently.

### III. CLAIM REJECTIONS – 35 USC § 103

The Action rejects claims 1-24 and 27-30<sup>1</sup> under 37 C.F.R. § 103(a) as unpatentable over *Thomas*, stating “*Thomas et al.* discloses the claimed invention except for the specific teaching that the yarns do not protrude beyond an outer surface of the fabric body.” According to the Action, it would have been obvious to one having ordinary skill in the art to have the yarns of *Thomas* not protrude beyond an outer surface of the fabric. Action, pp. 3. Applicants’ Assignee respectfully traverses this rejection and requests its withdrawal.

*Thomas* discloses a fabric for an outer shell of a firefighter's garment having “superior tear and abrasion resistance.” Col. 2, ll. 61-62. The fabric 10 is formed of spun yarns 12 (which the Action analogizes to the recited body yarns) and multi-filament yarns 14 (which the Action analogizes to the recited relatively tough yarns). Col. 2, ll. 10-13. As explained in great detail in Assignee’s previous *Amendment and Responses* and consistent with a tear-and abrasion resistant function, *Thomas* discloses a fabric whereby the multi-filament yarns 14 (the alleged relatively tough yarns) are *substantially* larger than spun yarns 12 – and thus protrude beyond the fabric surface.



This is precisely the opposite configuration recited in independent claims 1 and 27, which recite relatively tough yarns that “do not protrude beyond an outer surface of the fabric body.” In this way, the relatively tough yarns are shielded from abrasion.

<sup>1</sup> Claims 28-30 have been cancelled without prejudice, thereby rendering the Action’s rejection of these claims moot.

The undersigned understood from the Interview that amending claims 1 and 27 to further specify that the relatively tough yarns have a diameter that is the same or smaller than the diameter of the body yarns would put claims 1 and 27 in condition for allowance. These claims have been so amended. These claims are believed to be allowable, as are claims 2-24 which ultimately depend from allowable claim 1.

#### **IV. INFORMATION DISCLOSURE STATEMENT**

An Information Disclosure Statement and Form PTO/SB/08 is being filed with this Amendment and Response.

**CONCLUSION**

Pending claims 1-24 and 27 are believed to be in condition for allowance. The Examiner is invited to contact the undersigned attorney at (404) 815-6389 for any reason.

Respectfully submitted,

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